

The Honorable James L. Robart
U.S. District Court Judge

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

JAY SCHUYLEMAN, an individual

Plaintiff,

v.

**BARNHART CRANE AND
RIGGING CO.**, a State of Delaware
Corporation

**BARNHART CRANE AND
RIGGING, LLC**, A State of Delaware
Limited Liability Company, and

**UNKNOWN CORPORATION/LLC
1-25**,

Defendants.

Civil Action No. 2:23-CV-00562-JLR

~~[PROPOSED]~~ AGREED ORDER ON JOINT
MOTION TO AMEND MINUTE ORDER
SETTING TRIAL DATES AND RELATED
DATES

**~~[PROPOSED]~~ AGREED ORDER ON JOINT MOTION TO AMEND THE MINUTE
ORDER SETTING TRIAL DATES AND RELATED DATES**

Plaintiff Jay Schuyleman (“Plaintiff”) and Defendants Barnhart Crane and Rigging Co. and Barnhart Crane and Rigging, LLC (collectively, “Barnhart”) (collectively, “the Parties”) have shown good cause to amend the February 6, 2024, Minute Order Setting Trial Dates and Related Dates (ECF No. 47) (“Minute Order”) to allow for a more efficient discovery process and to

conform with the deadlines set forth in the Local Patent Rules. The Parties' Joint Motion to Amend the Minute Order Setting Trial Dates and Related Dates is **GRANTED**.

Specifically, additional deadlines are added for exchanging proposed terms and claim elements for construction on May 2, 2024; exchanging preliminary claim constructions along with all intrinsic and extrinsic evidence the constructions will rely on by June 6, 2024; and the completion of expert depositions on claim construction (with the cooperation of counsel and experts in scheduling said expert depositions) by July 15, 2024. In addition, the following existing deadlines have been amended: the exchange of expert reports on claim construction will now be by June 6, 2024, rebuttal expert witness reports on Markman issues will now be exchanged by July 3, 2024. These amendments do not affect other deadlines set forth in the Minute Order; the filing of a joint claim construction chart and prehearing statement is still due on July 17, 2024, and the Markman hearing will still proceed on October 4, 2024, at 9:00AM, both as previously scheduled per ECF No. 47 and 47-A [docket entry].

Therefore, the Trial Dates and Related Dates set forth in the Minute Order are now amended as follows:

JURY TRIAL DATE

JUNE 16, 2025

Length of Jury Trial

4 days

Preliminary infringement contentions and disclosure of asserted claims

March 22, 2024

Deadline for joining additional parties

March 5, 2024

Deadline for amending pleadings

December 18, 2024

Disclosure of preliminary invalidity contentions

April 12, 2024

Exchange a list of claim terms, phrases, or clauses which that party contends should be construed by the Court, and identify any claim element which that party contends should be governed by 35 U.S.C. § 112(6) by

May 2, 2024

Reports from expert witnesses regarding Markman issues due,

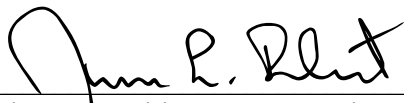
June 6, 2024

Exchange preliminary claim constructions, along with all intrinsic and extrinsic evidence the constructions will rely on (for avoidance of doubt, this includes disclosing the identity and nature of an expert's report, but does not require the disclosure of the full version of the report)	June 6, 2024
Rebuttal expert reports regarding <u>Markman</u> issues due	July 3, 2024
Complete expert depositions on claim construction (with the cooperation of counsel and experts in scheduling said expert depositions)	July 15, 2024
Joint claim chart and Prehearing Statement (for avoidance of doubt, this includes disclosing the full version of the expert report)	July 17, 2024
Opening claim construction briefs due (24 pages per side)	August 9, 2024
Responsive claim construction briefs due (24 pages per side)	August 23, 2024
<u>Markman</u> hearing at 09:00 AM on	October 4, 2024
Reports from expert witnesses under FRCP 26(a)(2) due	November 15, 2024
Rebuttal expert reports due	December 13, 2024
All motions related to discovery must be filed by (see LCR 7(d))	December 4, 2024
Discovery completed by	January 3, 2025
All dispositive motions and motions challenging expert witness testimony must be filed by (see LCR 7(d))	February 11, 2025
Settlement conference per LCR 39.1(c)(2) held no later than	March 14, 2025
All motions in limine must be filed by All motions in limine shall be filed as one motion.	May 16, 2025
Agreed pretrial order due	May 29, 2025
Pretrial conference to be held at 02:00 PM on	June 2, 2025
Trial briefs, proposed voir dire questions and jury instructions	June 9, 2025

The remaining portions of the Minute Order remain in effect.

IT IS SO ORDERED.

Dated this 25th day of April, 2024.



The Honorable James L. Robart

UNITED STATES DISTRICT JUDGE

Presented by:
DESMARAIS LLP

/s/Betty H. Chen

Betty H. Chen (WSBA #57993)
101 California Street
San Francisco, CA 94111
T: 415-573-1900
F: 415-573-1901
bchen@desmaraisllp.com

Peter Y Zhu (*admitted pro hac vice*)
1899 Pennsylvania Ave, NW Suite 400
Washington, D.C. 20006
T: 202-451-4900
F: 202-451-4901
pzhu@desmaraisllp.com

Kurt Fredrickson (*admitted pro hac vice*)
101 California Street, Ste. 3070
San Francisco, CA 94111
T: 415-573-1900
F: 415-573-1901
kfredrickson@desmaraisllp.com

SEATTLE PATENT GROUP

Tom Hendrickson (WSBA #41832)
4020 148th Ave. NE, Ste D
Redmond, WA 98052
T: 425-202-7969
tom@seattlepatentgroup.com

Attorneys for Plaintiff Jay Schuyleman

BAKER, DONELSON, BEARMAN, CALDWELL
& BERKOWITZ, PC

/s/Scott M. Douglass

Emily Billig (*admitted pro hac vice*)
100 Light Street, 19th Floor
Baltimore, MD 21202
410-862-1089
ebillig@bakerdonelson.com

Scott M. Douglass (*admitted pro hac vice*)
First Horizon Building
165 Madison Avenue, Suite 2000
Memphis, TN 38103
615-924-0514
sdouglass@bakerdonelson.com

KLINEDINST PC

Gregor A. Hensrude, WSBA #45918
1200 Fifth Avenue, Suite 1750
Seattle, Washington 98101
206-672-4400
ghensrude@klinedinstlaw.com

*Attorneys for Defendants
Barnhart Crane and Rigging Co., and
Barnhart Crane and Rigging, LLC*